

Mayor Pro Tem Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Kay Carlquist and Robert Jurca, along with City Manager Lanny Sloan and City Attorney Mike Schottelkotte. Mayor Bill Seuell was absent. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor Pro Tem led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Jurca and seconded by Councilmember Carlquist to approve the minutes of December 4, 2007, as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

Frank Tranchina made several comments pertaining to the City Manager.

Jean Lemon commented on the Delta Housing Authority's Villas at the Bluffs Work Force Housing Project. Ms. Lemon explained that she is a member of the pre-design team for the project. She mentioned that an ordinance change is needed to permit the use of prefabricated panels and urged Council to consider approving such a change.

Financial Report

Finance Director Tod DeZeeuw presented the financial reported for the period ended November 30, 2007, and answered several questions from Council.

Council Bill #26, 2007; First Reading; Rezoning of Property Located at 1265-H-25 Road

Community Development Director Glen Black reported that an application has been received for rezoning of this 4.45 acre parcel located south of Highway 50, north of H-25 Road approximately one quarter mile east of 1250 Road. The owner of the property is Damon Lockhart, who is represented by Earnest Schaaf of TK Mining. TK Mining has the property under contract and would like to change the zoning from its current A-1 to B-3 to allow them to expand their operations onto the property.

The Planning Commission held a public hearing on the request at their December 3rd meeting and recommended approval of the change in zoning.

Council Bill #26, 2007
AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
CHANGING THE ZONING DESIGNATION OF PROPERTY AT
1265 H-25 ROAD FROM AN A-1 DISTRICT TO A B-3 DISTRICT

was read by the Clerk.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to adopt Council Bill #26, 2007 on first reading. Roll call vote: Councilmembers Carlquist, aye; Jurca, aye; and Cooper, aye. Motion carried.

Council Bill #27, 2007; First Reading; Rezoning of Maxwell Property at 1755 H Road

Director Black reported that rezoning has been requested for a .46 acre parcel owned by Virginia Maxwell and located on H Road (Crawford Avenue) just west of the industrial park and currently zoned A-1.

Ms. Maxwell owns two adjacent parcels which are involved in a boundary adjustment. The other parcel contains 21.28 acres and is zoned B-2. The City Code requires adjustment of the City's official zoning map when there is a boundary adjustment involving two parcels with different zoning. The applicant has asked that both parcels be zoned B-2.

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Council Bill #27, 2007 (Cont.)

The Planning Commission held a public hearing on the rezoning request at their December 3, 2007 meeting and recommended approval of the zoning change, contingent on completion of the boundary adjustment.

Council Bill #27, 2007

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
CHANGING THE ZONING DESIGNATION OF PROPERTY
ADJACENT TO 1755 H ROAD FROM AN A-1 DISTRICT TO A B-
2 DISTRICT

was read by the Clerk.

It was moved by Councilmember Jurca and seconded by Councilmember Carlquist to adopt Council Bill #27, 2007 on first reading. Roll call vote: Councilmembers Carlquist, aye; Jurca, aye; and Cooper, aye. Motion carried.

Spillman Records Management System

Interim Police Chief Roger Christian asked Council to approve a supplemental appropriation to the 2008 budget for the Delta Police Department's portion of a new records management system used by Delta County law enforcement agencies. Recent changes in the existing records management system have led the agencies to explore other options. The option chosen is the Spillman system. The City's portion of the cost would be \$50,000, with estimated annual maintenance costs of \$6,700 after the first 15 months.

City Attorney Schottelkotte stated that approval of a supplemental appropriation to the budget requires an ordinance. He suggested the matter be tabled until an ordinance can be presented to Council.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to table the matter until the next meeting. All in favor, motion carried.

Purchase of 102 Silver

Assistant City Manager Steve Glammeyer stated that Council had authorized staff to ask the City Attorney to prepare a purchase agreement for the vacant house located at 102 Silver Street, as a portion of the right-of-way needed for the alternate truck route project. The agreement calls for payment of the appraised value of the house, \$63,000, less closing costs, which will be paid by the seller.

Staff recommends approval of the purchase.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to enter into the purchase contract for the purchase of 102 Silver Street for future right-of-way for the alternate truck route project and authorize the City Manager to sign the contract. All in favor, motion carried.

Alternate Truck Route Final Design Contract

The Assistant City Manager explained the process by which staff arrived at the final design contract being recommended for approval. A panel of ten individuals, including City staff, local business owners, and area professionals reviewed the eight proposals which were received in response to the RFP. The panel reduced the number of candidates to four firms, who were then interviewed. As a result of the interviews, staff further negotiated with Stantec Consulting Engineers, Inc. and is recommending that Council award the contract for the preliminary and final design to Stantec. The cost to the City is not to exceed \$1,484,934.00. \$1,500,000 was budgeted for this project in 2008.

After a brief exchange of questions and answers, it was moved by Councilmember Carlquist and seconded by Councilmember Jurca that the City enter into a contract with Stantec Consulting Engineers, Inc. for the design of the preferred alignment, as determined by the

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Alternate Truck Route (Cont.)

adopted March 2006 routing study, of the alternate truck route, and authorize the City Manager to sign the agreement pending approval of the City Attorney. All in favor, motion carried.

Designation of Official Posting Site for 2008

The Clerk explained that State law requires Council to annually designate an official site for posting meeting notices. Currently the official site is the south window at City Hall. This location seems to work well, so staff recommends designating the south window at City Hall as the official posting site for 2008.

It was moved by Councilmember Jurca and seconded by Councilmember Carlquist to designate the south window at City Hall as the official posting site for 2008. All in favor, motion carried.

Ordinance #24, 2007; Second and Final Reading; 2007 Supplemental Appropriations

City Manager Sloan explained that after Council Bill #25 was adopted on first reading, the Finance Director realized he had not included the amount of the TABOR refund in the supplemental appropriation to the General Fund. Therefore, Council Bill #25 has been amended to reflect this amount.

Amended

Ordinance #24, 2007

AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE
VARIOUS FUNDS AND SPENDING AGENCIES IN THE
AMOUNTS AND FOR THE PURPOSES SET FORTH BELOW
FOR THE CITY OF DELTA, COLORADO, FOR THE 2007
BUDGET YEAR

was introduced as Council Bill #25, 2007, and read by the Clerk.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to adopt Council Bill #25, 2007, as amended, on second and final reading. Roll call vote: Councilmembers Carlquist, aye; Jurca, aye; and Cooper, aye. Council Bill #25, 2007, as amended, was adopted on second and final reading as Ordinance #24, 2007.

City Attorney Comments

City Attorney Schottelkotte reported the resolution of a dispute between private parties in which the City had become involved.

City Manager Comments

There were none.

Councilmember Comments

Councilmember Jurca had questions for the City Manager concerning the process of hiring a new police chief. Mr. Sloan responded to his questions.

Executive Session

It was moved by Councilmember Jurca and seconded by Councilmember Carlquist to convene an Executive Session for a conference with the City's attorney (Jim Brown) for the purpose of receiving legal advice on specific legal questions pursuant to CRS 24-6-402(4)(b), or more specifically, to discuss the Black Canyon water case. All in favor, motion carried.

At 7:55 p.m., the Regular Meeting was recessed. The Executive Session was convened at 8:00 p.m.

At 8:30 p.m., the Mayor Pro Tem reconvened the Regular Meeting and announced that the Executive Session had been concluded. She stated that in addition to herself, the participants in the Executive Session were Councilmembers Kay Carlquist and Robert Jurca, along with City

Regular Meeting, Delta City Council, December 18, 2007 (Cont.)

Executive Session (Cont.)

Manager Lanny Sloan, Attorney Jim Brown, and City Clerk Mary Lynn Williams. For the record, the Mayor Pro Tem asked any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session in violation of the Open Meetings Law, to state his or her concerns for the record. No concerns were stated.

The meeting was adjourned at 8:31 p.m.

Mary Lynn Williams, CMC, City Clerk